

Good morning, my name is Tom Horton. I'm Midwest, Vice President of Public Affairs at Waste Management. Waste Management operates 16 landfills in Michigan, in addition to transfer stations, collection companies and recycling facilities. The company is the largest recycler and provider of solid waste services in Michigan and North America. Waste Management supports HB4265 and 4266.

A number of years ago, to convince the Federal government to ban incandescent light bulbs, special interests had to find a way to get around the fact that voters would not tolerate a law that said, "you can't buy incandescent bulbs." They did this by setting light bulb efficiency standards arbitrarily high, which drove incandescent bulbs out of the marketplace and cost consumers their right to select that product.

The 1995 yard waste ban was similar. Special interests knew they could not get the legislature to **require** Michigan residents to stop landfilling lawn clippings, so they did the same thing the federal government did with incandescent bulbs. They removed a choice from the marketplace by implementing a ban and in doing so, consumers lost local control over yard waste management.

This issue is about the state of Michigan imposing unfunded mandates and taking away the authority of local governments to manage their waste streams for the benefit of their residents. It is also about financial subsidies for a select few businesses. Composters have testified their businesses will close without a landfill ban. Proponents of continuing the ban would have you believe composting will end if the ban is rescinded. Nothing supports this logic. Indiana has no ban on grass. Ohio allows local communities the option to landfill yard clippings. Yet, both states have hundreds of compost sites. They exist because they provide valuable services, not because a ban sustains them.

It is not unfair to ask why the compost industry, which by its own admission cannot survive without a government subsidy, deserves support beyond what state taxpayers have been forced to lavish on it since 1995? The Michigan yard waste ban should be viewed as the corporate welfare program it has become especially in light of the fact that other states allow grass in their landfills and have thriving compost industries.

People, who insist the sky will fall without a yard waste ban, ignore the fact that recycling programs exist alongside composting programs in hundreds of Michigan communities without a landfill ban on recyclable materials.

Michigan communities - government at the local level - has done a good job managing recyclables to benefit their citizens. No part of the experience, since the inception of the yard waste ban in 1995, suggests the state can manage yard waste better than local units of government can. We need to free-up this product called yard clippings and get it into the marketplace so it has a chance to become a commodity that supports compost businesses, just as it does in Indiana and Ohio and states across the nation.

One of the most important aspects of the proposed legislation is the requirement that residents cannot co-mingle yard clippings with trash. Yard clippings will continue to be placed at the curb separated from trash and recyclables to ensure it is available for alternative processing options. This protects the ability of composters to offer their services and bid for the right to manage and process the material.

Eventually, you are going to vote on this measure. Each of you recognize that a yes vote will rescind the ban, but what will a no vote do? A no vote sustains an unfunded mandate on local communities. A no vote continues one of the longest running and costly government subsidies in Michigan's history. A no vote retains a subsidy for a limited number of Michigan businesses that has been in place for 17 years. A no vote says the state, not local governments, will manage yard waste.

Let me close by providing some information to correct or clarify some key points related to 4265 and 4266.

The bills before you today, only affect yard clippings which is mostly grass. The state's definition of yard clippings is material that is no more than two inches in diameter and less than four feet in length. Woody biomass and wood from construction projects has never been included in the ban. These materials will continue to be processed in whatever way they are now being handled. There is simply no impact on those materials if the landfill ban were rescinded.

It is a myth that, "the landfill industry wants yard clippings as a replacement for declining volumes." The landfill ban has been around for 17 years. Landfill operators do not lay awake at night thinking that yard clippings are the answer to their prayers. I do not know of a single city that plans to end compost programs if this bill passes. Ask communities what they intend to do and they always respond that their decision will reflect the desire of their residents. Removing the ban will restore the ability of local communities to make decisions reflecting their resident's preferences.

Opponents of these bills often claim green house gas emissions will increase when grass is placed in landfills. The largest operator of compost facilities in the state of California is the Sanitation District of Los Angeles County. Their study of this issue published in 2008 concluded, yard waste placed in their landfills as alternative daily cover **reduced** greenhouse gases, 3 times more than composting. A 2009 study by Columbia University's Center for Sustainable Use of Resources drew similar conclusions.

In conclusion, critics of HB4265 and 4266 also suggest the quantity of electrical power yard clippings will produce is insignificant or the methodology is a step backwards in the hierarchy of solid waste processing. I disagree. What these bills seek to do is put Michigan on a path to attract investment in what has become a rapidly expanding world of "green energy and green products from waste. In the solid waste industry's future, that green energy potential lies in processing technologies that gasify the waste stream, not just yard clippings but the entire waste stream. The waste decomposition and gasification that occurs underground in landfills will move to above ground industrial facilities in the future. These facilities will employ an array of technologies to gasify materials. Anaerobic digestion, plasma arc and gasification will create energy sources and the gas molecules that catalysts will reformat into industrial products and fuel additives.

You can move the needle toward the next stage of this transformation by supporting these bills and at the same time, end a costly unneeded subsidy and return control over residential yard waste programs to local communities.

Tuesday, May 15, 2012

Senate Energy and Technology Committee

Submitted by Tom Horton, Midwest V.P. for Public Affairs, Waste Management

48797 Alpha Drive Suite 100

Wixom, MI. 48393

Email: [thorton@wm.com](mailto:thorton@wm.com)

Ph. 248 596 3519